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U.S. DISTRICT COURT, E.D.N.Y.
★ MAY 23 2007 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAH THOMAS, BASIL GUILAVIGUI &
CHRISTOPHER EARL STRUNK,

Plaintiffs,

-against-

FEDERAL RESERVE BANK OF NEW YORK
(FRBNY), et al.,

Defendants.

-----X
ROSS, United States District Judge:

By order dated April 10, 2007, the court dismissed the ~~instant~~ action with leave to replead for the reasons set forth on the record at the telephone conference held on April 5, 2007. By order dated April 18, 2007, the court denied plaintiffs' motion for reconsideration and again directed plaintiffs to file an amended complaint in order to proceed with the action. On May 1, 2007, plaintiffs filed an amended complaint.

However, plaintiffs' amended complaint does not set forth the factual bases for their claims against each defendant as instructed by the court. See Thomas v. Federal Reserve, et al., No. 07-CV-1171 (ARR), slip op. at 5 (E.D.N.Y. Apr. 18, 2007). Instead, the amended complaint includes an additional plaintiff, Christopher Earl Strunk, and additional allegations relating to (as far as the court can discern) state election laws. See Amended Compl. at 2-13. It is unclear, even under the liberal review given pro se pleadings, what plaintiffs are alleging that each defendant allegedly did or failed to do. The defendants could not be expected to meaningfully respond to plaintiffs' amended complaint as presented. Plaintiffs continue to employ terms referring to a variety of legal claims, but they have not set forth the facts that give rise to these various claims, other than reference to plaintiffs Thomas and Guilavigui's eviction from their location as vendors at the Fulton Albany

07-CV-1171 (ARR)(LB)

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MEMORANDUM
AND ORDER

Cooperative Market. As for the remaining claims, they are the ~~same~~ or similar to claims raised in the original complaint that the court previously dismissed.

Having provided plaintiffs with an opportunity to amend ~~the~~ complaint and plaintiffs having failed to do so as directed, the court dismisses the action in its ~~entirety~~. Simmons v. Abruzzo, 49 F.3d 83, 86-87 (2d Cir. 1995); Salahuddin v. Cuomo, 861 F.2d 40, 42 (2d Cir. 1988); see also Fitzgerald v. First East Seventh Street Tenants Corp., 221 F.3d 362, 364 (2d Cir. 2000) (per curiam) (affirming district court's sua sponte dismissal of fee-paid complaint).

CONCLUSION

For the reasons set forth in this order and in the court's April 18, 2007 order, the amended complaint is dismissed. To the extent that each defendant was served with the amended complaint, they are not required to answer or otherwise respond.¹ To the extent plaintiffs seek to raise claims under state law, those claims are dismissed without prejudice. The court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. Concedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of Court is directed to close this case.

SO ORDERED.

/S/

Allyne R. Ross
United States District Judge

Dated: May 25, 2007
Brooklyn, New York

¹ The court notes that Defendant Rockefeller Foundation moved to dismiss the amended complaint and several defendants have requested an extension of time to answer or respond to the amended complaint. The memo-endorsement referring the City Defendants' extension request to Magistrate Judge Bloom is hereby vacated. Because the amended complaint has been dismissed by the court, sua sponte, the motion to dismiss and any extension requests are moot. See docket entries 15, 17-18, 21.

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cc: Magistrate Judge Lois Bloom